

Introduction

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Unemployment Insurance Service
Washington, D.C. 20210

COMPARISON OF STATE UNEMPLOYMENT INSURANCE LAWS

**Comparison Revision
Number 1
January 5, 1997**

To UI Comparison Users:

This transmittal continues a series of semiannual revisions reflecting changes in State unemployment insurance laws that became effective since publication of the January 1996 **Comparison** in its new format.

Revised pages are indicated by Revised January 1997. Pages issued for backup purposes only will be identified with the new date.

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Unemployment Insurance Service
Washington, D.C. 20210

COMPARISON OF STATE UNEMPLOYMENT INSURANCE LAWS

January 7, 1996

To UI Comparison Users:

This transmittal begins a series of semiannual revisions reflecting changes in State unemployment insurance laws that became effective since publication of the January 1993 Comparison in its new format. All pages of the 1993 issue and its revisions should be replaced by the attached pages.

PREFACE

In the Federal-State system of unemployment insurance established in this country under the Social Security Act, the individual States have been free to develop the particular program that seems best adapted to conditions prevailing within the State. Consequently, no two State laws are alike.

It is important that the public know the details of the employment security program and understand how it functions as a part of the Nation's comprehensive system of social insurance. The **Comparison of State Unemployment Insurance Laws** reports State by State the types of workers and employers that are covered under the State law; the methods of financing the program; the benefits that are payable; the conditions to be met for payment; and the administrative organizations established to do the job. Such specific technical information is essential to an understanding of how the employment security program can make its maximum contribution to individual and family security as well as to the stability of business and of the economy in general.

While the **Comparison** analyzes primarily the State statutes, in certain cases in which general statements in the statutes are implemented by specific statements in rules, regulations, opinions of attorneys general, or court decisions, the latter are included with notes indicating their source.

In the text and tables, "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands in accordance with the definition of State in the Social Security Act and the Federal Unemployment Tax Act.

The Railroad Unemployment Insurance Act, which is administered by the Railroad Retirement Board for railroad workers, is outside of the Federal-State system of unemployment insurance and is not included in this comparison. Benefits are payable to railroad workers for unemployment due to sickness as well as to lack of work under a Federal formula applicable throughout the country.

Six States provide benefits for unemployment due to nonoccupational disability as well as for unemployment due to lack of work. In California, New Jersey, Puerto Rico and Rhode Island, the programs are administered by the unemployment insurance agencies. The Hawaii law is administered separately from unemployment insurance by the Temporary Disability Insurance Division of the Department of Labor and Industrial Relations. The New York law is administered by the State workmen's compensation agency. The laws of these six States are compared briefly in chapter 600.

Since the State employment security agencies are administering the unemployment insurance provisions of ch. 85, Title 5, U.S.C., the training allowance and assistance provisions of the Trade Expansion Act (19 U.S.C. 2001), the Work Incentive Program (42 U.S.C. 602), and the Disaster Relief Act (P.L. 91-606), a brief description of these Federal programs is included in chapters 700 and 800.

An overall table of contents and a list of tables can be found at the front of the document. The eight chapters of the **Comparison** deal with the following major subject areas: Coverage (1); Taxation (2); Benefits (3); Eligibility (4); Administration (5); Disability (6); Federal Claims (7); and Readjustment Allowances (8). The numbers in the parentheses are used as prefixes in the page numbering for each of these chapters and appear as the first number in the tables accompanying each chapter.

It is planned to update the material semiannually and only pages which require modification will be issued. These pages will be distributed under cover of a transmittal letter.

PREFACE

The **Comparison** has been issued solely for informational, reference, and research purposes. It should not be considered an official interpretation of the State unemployment insurance laws. The State statutes must be consulted for the full text of State laws. The State rules and regulations, opinions of attorneys general, and administrative and court decisions contain the official interpretations of these laws.

The **Comparison** has been prepared by the Division of Legislation of the Office of Legislation and Actuarial Services in the Unemployment Insurance Service. It supersedes the **Comparison of State Unemployment Insurance Laws** which was issued on January 3, 1993.

CONTENTS

Section	Page
100 COVERAGE	1-1
105 Employers Covered	1-1
110 Coverage by Reason of Federal Requirement	1-2
01--Coverage of nonprofit organizations	1-2
02--Coverage of governmental entities	1-2
115 Employer-Employee Relationship	1-3
120 Location of Employment	1-3
01--Election of coverage of services performed outside the State	1-3
02--Coverage of services performed outside the United States	1-4
03--Election of coverage through reciprocal coverage arrangements	1-4
125 Employment Specifically Excluded	1-4
01--Agricultural labor	1-4
02--Domestic service	1-5
03--Service for relatives	1-6
04--Service of students and spouses of students	1-6
05--Service of patients for hospitals	1-6
06--Service for Federal instrumentalities	1-6
07--Maritime workers	1-6
08--Coverage of service by reason of Federal coverage	1-7
09--Voluntary coverage of excluded employments	1-7
10--Self-employment	1-7
130 Coverage of Officers of Corporations	1-7

COVERAGE TABLES

Number	Page
100 Definition of employer	1-11
101 State coverage resulting from changes in Federal laws	1-17
102 Coverage as determined by employer-employee relationship	1-21
103 Significant miscellaneous employment exclusions	1-25
104 Exclusions from service for State and local governments	1-29

Section	Page
200 TAXATION	2-1
205 Source of Funds	2-1
01--Employer contributions	2-1
02--Standard rates	2-2
03--Taxable wage base	2-2
04--Employee contributions	2-2
05--Financing of administration	2-2
06--Special State funds	2-3
210 Type of Fund	2-4

(Continued)

CONTENTS

Section	Page
215 Experience Rating	2-4
01--Federal requirements for experience rating	2-4
02--State requirements for experience rating	2-4
220 Types of Formulas for Experience Rating	2-4
01--Reserve-ratio formula	2-5
02--Benefit-ratio formula	2-5
03--Benefit-wage-ratio formula	2-6
04--Payroll variation plan	2-6
225 Transfer of Employers' Experience	2-7
230 Differences in Charging Methods	2-7
01--Charging most recent employers	2-8
02--Charging base-period employers in inverse chronological order	2-8
03--Charges in proportion to base-period wages	2-9
235 Noncharging of Benefits	2-9
240 Requirements for Reduced Rates	2-10
01--Prerequisites for any reduced rates	2-11
02--Requirements for reduced rates for individual employers	2-11
245 Rates and Rate Schedules	2-11
01--Fund requirements for rates and rate schedules	2-11
02--Rate reduction through voluntary contributions	2-11
03--Computation dates and effective dates	2-12
04--Minimum rates	2-12
05--Maximum rates	2-12
06--Limitation on rate increases	2-12
250 Special Provisions for Financing Benefits Paid to Employees of Nonprofit Organizations and State and Local Governments	2-12
01--Nonprofit organizations	2-12
02--State and local governments	2-13

TAXATION TABLES

Number	Page
200 Summary of experience-rating provisions	2-19
201 Computation of flexible taxable wage bases	2-23
202 Computation date, effective date, period of time to qualify for experience-rating and reduced rates for new employers	2-25
203 Years of benefits, contributions, and payrolls used in computing rates of employers with at least 3 years of experience, by type of experience-rating formula	2-27
204 Transfer of experience for employer rates	2-29
205 Employers charged and benefits excluded from charging States which charge benefits or benefit derivatives	2-31
206 Fund requirements for most and least favorable schedules and range of rates for those schedules	2-35
207 Surtaxes	2-39

(Continued)

CONTENTS

TAXATION TABLES (Continued)

Number		Page
208	Fund requirements for any reduction from standard rate	2-45
209	Bond or deposit required of employers electing reimbursement	2-47
210	Financing provisions for governmental entities	2-49

BENEFITS

Section		Page
300	BENEFITS	3-1
305	Base Period and Benefit Year	3-2
	01--Types of benefit years	3-2
	02--Types of base periods	3-2
	03--Lag between base period and benefit year	3-2
310	Qualifying Wages or Employment	3-3
	01--Multiple of the weekly benefit or high-quarter wages	3-3
	02--Flat qualifying amount	3-4
	03--Weeks of employment	3-4
	04--Requalifying requirements	3-4
315	Waiting Period	3-4
320	Weekly Benefit Amount	3-5
	01--Formulas for computing weekly benefits	3-5
	02--Flexible maximum weekly benefits	3-7
	03--Flexible minimum weekly benefits	3-7
325	Benefits for Partial Unemployment	3-7
330	Dependents Allowances	3-8
	01--Definition of dependent	3-8
	02--Amount of weekly dependents allowances	3-9
	03--Dependents allowances for partially unemployed workers	3-9
	04--Relation of dependents allowances and duration	3-9
335	Duration of Benefits	3-10
	01--Formulas for variable duration	3-10
	02--Minimum weeks of benefits	3-11
	03--Maximum weeks of benefits	3-11
	04--Other limits on duration	3-11
	05--Maximum potential benefits in a benefit year	3-11
	06--Federal-State extended benefits	3-11
	07--State programs for extended duration	3-13
340	Seasonal Employment and Benefits	3-14
345	Interstate Benefit Arrangements	3-16
	01--Interstate benefit payment plan	3-17
	02--Wage combining arrangement	3-17
350	Worksharing	3-17
355	Self-employment Assistance Program	3-18
360	Health Care Coverage	3-18

(Continued)

CONTENTS

Section	Page
365 Dislocated Workers	3-19

BENEFIT TABLES

Number	Page
300 Base period and benefit year	3-23
301 Wage and employment requirements for benefits	3-27
302 Additional qualifying requirements in successive benefit years	3-31
303 Waiting-period requirements	3-33
304 Weekly benefits for total unemployment	3-35
305 Flexible maximum provisions	3-39
306 Weekly benefits for partial unemployment	3-41
307 Dependents included under provisions for dependents allowances	3-43
308 Allowances for dependents	3-44
309 Duration of benefits in a benefit year	3-45

Section	Page
400 ELIGIBILITY	4-1
405 Ability to Work	4-1
410 Availability for Work	4-1
415 Actively Seeking Work	4-3
420 Availability During Training	4-3
425 Disqualification From Benefits	4-4
430 Disqualification for Voluntarily Leaving Work	4-5
01--Good cause for voluntary leaving	4-5
02--Period of disqualification	4-7
03--Reduction of benefit rights	4-8
04--Relation to availability provisions	4-8
435 Discharge for Misconduct Connected with the Work	4-8
01--Period of disqualification	4-8
02--Disqualification for gross misconduct	4-8
440 Disqualification for a Refusal of Suitable Work	4-9
01--Criteria for suitable work	4-9
02--Period of disqualification	4-11
445 Labor Disputes	4-12
01--Definition of labor dispute	4-12
02--Location of the dispute	4-12
03--Period of disqualification	4-12
04--Exclusion of individual workers	4-13

(Continued)

CONTENTS

Section	Page
450 Disqualification of Special Groups	4-13
01--Individuals with marital obligations	4-14
02--Students	4-14
03--School personnel	4-14
04--Professional athletes	4-15
05--Aliens	4-15
455 Disqualification for Fraudulent Misrepresentation To Obtain Benefits	4-15
01--Recovery provisions	4-15
02--Criminal penalties	4-16
03--Disqualification for misrepresentation	4-17
460 Disqualifying income	4-18
01--Wages in lieu of notice and dismissal payments	4-19
02--Workmen's compensation payments	4-19
03--Retirement payments	4-19
04--Supplemental unemployment payments	4-19
05--Relationship with other statutory provisions	4-20

ELIGIBILITY TABLES

Number	Page
400 Ability to work, availability for work, and seeking work requirements	4-25
401 Disqualification for voluntary leaving, good cause, and disqualification imposed	4-29
401.1 Good cause for voluntary leaving includes	4-33
402 Disqualification for discharge for misconduct	4-35
403 Disqualification for discharge for gross misconduct	4-39
404 Refusal of suitable work	4-41
405 Disqualification for unemployment caused by labor dispute	4-45
406 Disqualification provisions for marital obligations	4-49
407 Special provisions for students and school employees	4-51
408 Penalties for fraudulent misrepresentation: Fine or imprisonment or both in amounts and periods specified	4-53
409 Disqualification for fraudulent misrepresentation to obtain benefits	4-55
410A Effect of disqualifying income on weekly benefit amount	4-59
410B Effect of pensions on weekly benefit amount	4-61

Section	Page
500. ADMINISTRATIVE ORGANIZATION	5-1
505 Place of the Employment Security Agency in the State Government	5-1
01--Independent board or commission	5-1
02--Independent departments of State government	5-2
03--In State department of labor or other agency	5-2
04--Merit selection of employees	5-2

(Continued)

CONTENTS

Section	Page
510	Advisory Councils 5-2
	01--Purpose of advisory councils 5-2
	02--Representation on councils 5-3
	03--Special councils 5-3
515	Appeal Authorities 5-3
	01--First appeals stage 5-4
	02--Second appeals stage 5-5
	03--Judicial review 5-6
520	Disclosure of Information 5-6

ADMINISTRATION TABLES

Number	Page
500	Organization of State employment security agencies:
	A. Independent commission or board 5-9
	B. Independent department of State government 5-10
	C. In State department of labor or State workmen's compensation agency 5-11
501	State and local advisory councils 5-13
502	Appeals authorities and time limitation for review:
	A. Administrative appeals 5-15
	B. Judicial review 5-17

Section	Page
600	TEMPORARY DISABILITY INSURANCE COORDINATED WITH UNEMPLOYMENT INSURANCE 6-1
605	Definition of Disability 6-1
	01--Types of disability excluded 6-2
	02--Uninterrupted period of disability 6-2
610	Coverage 6-2
615	Financing 6-2
	01--Type of fund 6-3
	02--Amount of contributions 6-3
	03--Financing benefits for disability during unemployment 6-3
	04--Administrative costs 6-4
620	Benefit Provisions 6-4
	01--Benefit year and base period 6-4
	02--Qualifying wage or employment 6-5
	03--Weekly benefit amount and duration of benefits 6-5
	04--Waiting period 6-6
	05--Part weeks of disability 6-6
	06--Benefits under private plans 6-6
	07--Survivors benefits 6-7

(Continued)

CONTENTS

Section	Page
625 Disqualification and Nonmonetary Eligibility Provisions	6-7
01--Eligibility requirements in addition to wages	6-7
02--Relationship to workmen's compensation	6-7
03--Effect of other types of income on eligibility	6-8
630 Administration	6-8

DISABILITY TABLES

Number	Page
600 Significant provisions of temporary disability insurance laws	6-13

Section	Page
700 UNEMPLOYMENT INSURANCE BASED ON SERVICE FOR THE UNITED STATES	7-1
705 Unemployment Compensation for Federal Civilian Employees and for Ex-Servicemen	7-1
01--Unemployment compensation for Federal civilian employees	7-1
02--Unemployment compensation for ex-servicemen	7-1

Section	Page
800 FEDERAL TRAINING ALLOWANCES AND READJUSTMENT PROGRAMS	8-1
805 Trade Readjustment Allowances (TRA)	8-1
01--Certification process	8-1
02--Qualifying requirements	8-1
03--Duration	8-1
04--Subsistence and transportation allowances	8-1
05--Relocation allowances	8-1
06--Job search allowances	8-2
810 Disaster Unemployment Assistance (DUA)	8-2
01--Eligibility	8-2
02--Disaster assistance period	8-2
03--Weekly assistance amount	8-2
04--Deductions	8-2

ABBREVIATIONS USED IN THE TABLES:

AAW--average annual wage
 admin.--administration
 AWW--average weekly wage
 BP--base period
 BPW--base-period wages
 BY--benefit year

(Continued)

CONTENTS

(Abbreviations continued)

clmnt.--claimant
consec.--consecutive
CQ--calendar quarter
CY--calendar year
dep.--dependent
DA--dependents allowance
DI--disability insurance
emplmt.--employment
EB--extended benefits
EE--employee
ER--employer
FUTA--Federal Unemployment Tax Act
hr--hour
HQ--high quarter
HQP--high-quarter wages
min.--minimum
max.--maximum
PT--part-time
sched.--schedule
UI--unemployment insurance
WBA--weekly benefit amount
W--week
wk.--week
WF--week of filing
WW--waiting week
yr.--year
AL--Alabama
AK--Alaska
AZ--Arizona
AR--Arkansas
CA--California
CO--Colorado
CT--Connecticut
DL--Delaware
DC--District of Columbia
FL--Florida
GA--Georgia
HI--Hawaii
ID--Idaho
IL--Illinois
IN--Indiana
IA--Iowa
KS--Kansas
KY--Kentucky
LA--Louisiana

(Continued)

CONTENTS

(Abbreviations continued)

ME--Maine
MD--Maryland
MA--Massachusetts
MI--Michigan
MN--Minnesota
MS--Mississippi
MO--Missouri
MT--Montana
NE--Nebraska
NV--Nevada
NH--New Hampshire
NJ--New Jersey
NM--New Mexico
NY--New York
NC--North Carolina
ND--North Dakota
OH--Ohio
OK--Oklahoma
OR--Oregon
PA--Pennsylvania
PR--Puerto Rico
RI--Rhode Island
SC--South Carolina
SD--South Dakota
TN--Tennessee
TX--Texas
UT--Utah
VT--Vermont
VA--Virginia
VI--Virgin Islands
WA--Washington
WV--West Virginia
WI--Wisconsin
WY--Wyoming

Page

INDEX x-1